

REMARKS

Claims 17-19, 27, and 45-47 are pending in the application. The independent claims stand rejected under §102(e) and/or §103 as being unpatentable over Lambrecht et al. (2002/151979). For the reasons set forth below, favorable reconsideration of the application is respectfully requested.

1. December 5, 2007 Interview and December 10, 2007 Interview Summary.

On December 5, 2007, applicant's attorney Thomas conducted a telephonic interview with Examiner Pellegrino to discuss the patentability of independent claim 27 in view of the cited Lambrecht reference. During the interview agreement was reached that an amendment stating that applicant's claimed method includes the step of pulling the drawstring to fold the implant to a configuration having a multiplicity of folds would overcome the rejection of record. The Examiner's Interview Summary dated December 10, 2007 reflects that agreement.

2. The Present Amendment.

The present amendment to claim 27 adds only the narrowing limitations that the implant has "a second, folded configuration having a multiplicity of folds," and that "pulling the drawstring [folds] the length of natural tissue to its second, folded configuration having a multiplicity of folds." As reflected in the Interview Summary, this is precisely the amendment that was agreed during the December 5 interview to overcome the rejections based on Lambrecht.

3. The Advisory Actions.

The Advisory Actions dated January 2, 2008 and January 30, 2008 state that applicant's prior submissions of the present amendment (or of amendments in

substantially the same form) were not entered because new issues that would require further consideration and/or search were raised. This Request for Continued Examination is being filed to provide that further consideration.

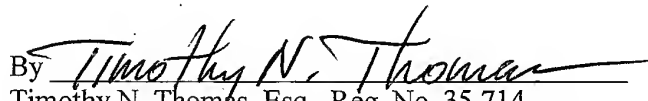
4. Patentability of the Claimed Invention.

As indicated above, applicant contends, and the Office has acknowledged, that the cited Lambrecht reference does not teach or suggest pulling a drawstring to fold a disc nucleus implant to a second, folded configuration having a multiplicity of folds. This is consistent with the Figures and written description of Lambrecht, which show pushing an implant into a disc nucleus space where it assumes a configuration that the Office contends is "folded," and pulling a drawstring to move the implant to a desired implant location. As shown in the Figures, pulling the Lambrecht drawstring tends to straighten, and not fold, the Lambrecht implant, but in any event it does not fold the implant into a multiplicity of folds as presently claimed.

5. Conclusion.

Favorable reconsideration of the application is respectfully requested.

Respectfully submitted,

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